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Docket No. F-7880

DEC 21 2006

Ser. No. 10/616,651

REMARKS

Claims 1-12 are pending and Applicant expresses appreciation to the Examiner for determining that claims 9-10 contain allowable subject matter.

Claims 2, 6 and 9-10 have been rejected on formal matters. Claims 1, 2, 7 and 11-12 have been rejected as being anticipated by Leslie (US 3331312), claims 3-4 and 13 have been rejected as being unpatentable over Leslie, and claims 5-6 and 8-10 have been rejected as being unpatentable over Leslie as modified by Sylvester (US 5236329).

Applicant respectfully traverses the rejections over the prior art. Sylvester does not disclose using a pivotal lever as the strapping carrier as indicated by the Examiner. The reference only illustrates in Figure 1 that the arm 23 is adjacent to the roll 12 and the reference discloses at column 2, lines 60-70 that "the store arm 23 together with the guide pulleys...approaches the fixed guide pulleys..." The reference is silent regarding how the structural components are supported relative to one another as all of the components are drawn in a "floating" state. Accordingly, Sylvester cannot be relied upon for teaching a pivotal lever. It follows that the combination of Sylvester and Leslie does not provide a pivotal lever and does not render unpatentable a claim reciting a pivotal lever. As such, Claim 1 has been amended to recite and new Claim 14 has been added which recites that the movable strapping carrier pivots about a pivot axis which is coaxial with the rotation axis of the strapping roll.

Docket No. F-7880

Ser. No. 10/616,651

Furthermore, neither reference places the strapping storage system at a "second position adjacent to the outer circumferential periphery of the strapping roll" that receives strapping when "the carrier roll pivots around the strapping roll from [the] first position into [the] second position" as now recited in Claim 1 and new Claim 15. That is, neither reference provides a pivotal carrier roll as indicated. Furthermore, the storage system of Sylvester is constantly in a state of storing strapping and not only upon a specific motion of the carrier roll towards a second position on the circumferential periphery of the strapping roll.

Yet furthermore, neither reference teaches that "each [movable] carrier roll of the at least one carrier roll [is] provided on a common rotational axis" as now recited in Claim 1 and new Claim 16. That is, as indicated, neither reference provides a pivotal carrier roll. Furthermore, the plurality of carrier roles in Sylvester are disposed on a plurality of individual rotation axes and not on a common rotational axis.

Yet furthermore, none of the references teaches a structural configuration where the carrier roll does not actually engage the strapping. Such feature is now recited in claims 1 and 15 which recites that the carrier roll does not engage the strapping when the carrier roll is in the first position.

Claims 17-19 are also provided which recite the limitations of claims 2, 8 and 10 and depend from the new set of claims. Moreover, new Claims 20 and 21 respectively represent original claims 1 and 9, and claims 1, 8 and 10 so

Docket No. F-7880

Ser. No. 10/616,651

that these claims are allowable based on the Examiner's stated determination of allowability.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

An independent claim in excess of three is added. The fee of \$200.00 for the claim(s) is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
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